

REMARKS

Applicant respectfully requests entry and consideration of the following remarks even though presented after a final rejection. Applicant submits that the remarks do not raise new issues or require a new search. Further, entry and consideration of the remarks may isolate issues for potential allowance or appeal. The remarks were not presented earlier in the prosecution due to a better understanding of the Examiner's position as reflected in the latest Office Action.

Summary

Claims 1-48 stand in this application. Claims 1 and 25 have been amended. Support for the current amendments may be found at least at Applicant's Specification, pages 9, 14 and 15. Claims 49-52 have been withdrawn. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Examiner Interview

Applicants would like to thank Examiner Lieu for conducting a telephone interview with Applicants' representative on August 13, 2007. During the interview, Examiner Lieu and Applicants' representative discussed the independent claims, the applied reference, and the grounds of rejection. The substance of the interview is reflected by the foregoing amendments and the following remarks.

Allowable Claims

We would like to thank the Examiner for indicating the allowability of claims 11-13, 19-21, 24, 30-34, 44 and 45 if amended to include all of the limitations of the base claims and any intervening claims. Applicant respectfully submits, however, that these claims represent patentable subject matter as currently listed based on the amendments and/or remarks given for the independent claims as discussed in detail below. Applicant would like to respectfully reserve the right, however, to amend the allowable claims into independent form during further prosecution if warranted.

35 U.S.C. § 102

At page 2, paragraph 3 of the Office Action claims 1-10, 14-18, 22-23, 25-29, 35-43 and 46-47 stand rejected under 35 U.S.C. § 102 as being anticipated by Hartings, U.S. Patent No. 4,774,504 (hereinafter "Hartings"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1 and 25 in order to facilitate prosecution on the merits.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102, the cited reference must teach every element of the claim. *See* MPEP § 2131, for example. Applicant submits that Hartings fails to teach each and every element recited in claims 1-10, 14-18, 22-23, 25-29, 35-43 and 46-47 and thus they define over Hartings. For example, with respect to claim 1, Hartings fails to teach, among other things, the following language:

the linear clamp having a slot with a slot length to retain said tack body, and to move in a substantially linear direction along said slot length in response to a force to release said tack body from said slot

According to the Office Action, this language is disclosed by Hartings at Figures 2 and 3.

Applicant respectfully disagrees.

Applicant respectfully submits that claim 1 defines over Hartings. Hartings, at the given cite, arguably shows a pair of leaf springs that become inwardly disposed when brought into proximity with a magnetic decoupler. Moreover, Hartings fails to disclose or fairly suggest the presence of a slot with a given slot length. By way of contrast, the claimed subject matter discloses “the linear clamp having a slot with a slot length to retain said tack body, and to move in a substantially linear direction along said slot length in response to a force to release said tack body from said slot.” An illustration of the linear clamp movement can be seen at least at Figure 5, line 542 and is discussed in further detail at least at Applicant’s Specification, page 9. Applicant respectfully submits that this is clearly different than the above cited teaching of Hartings.

Consequently, Hartings fails to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 2-10, 14-18 and 22-23, which depend from claim 1 and, therefore, contain additional features that further distinguish these claims from Hartings.

Claim 25 recites features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claim 25 is not anticipated and is patentable over Hartings for

reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 25. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 26-29, 35-43, 46 and 47 that depend from claim 25, and therefore contain additional features that further distinguish these claims from Hartings.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-48 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Appl. No. 10/612,750
Response Dated October 2, 2007
Reply to Office Action of May 14, 2007

Docket No.: C4-1184
Examiner: Lieu, Julie Bichngoc
TC/A.U. 2612

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

KACVINSKY LLC



John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

Dated: October 2, 2007

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